

104TH CONGRESS  
1ST SESSION

# S. 490

To amend the Clean Air Act to exempt agriculture-related facilities from certain permitting requirements, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 2 (legislative day, FEBRUARY 22), 1995

Mr. GRASSLEY introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend the Clean Air Act to exempt agriculture-related facilities from certain permitting requirements, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. DEFINITION OF POTENTIAL TO EMIT.**

4 Section 302(j) of the Clean Air Act (42 U.S.C.  
5 7602(j)) is amended—

6 (1) by striking “(j) Except as otherwise” and  
7 inserting the following:

8 “(j) MAJOR STATIONARY SOURCE AND MAJOR EMIT-  
9 TING FACILITY.—

10 “(1) IN GENERAL.—Except as otherwise”; and

1 (2) by adding at the end the following:

2 “(2) AGRICULTURE-RELATED FACILITY.—In  
3 this subsection, with respect to an agriculture-relat-  
4 ed facility, such as a grain elevator, a grain, feed,  
5 or rice mill, or a grain processing facility:

6 “(A) AIR POLLUTANT.—With respect to  
7 particulate emissions, the term ‘air pollutant’  
8 shall include only particulate matter less than  
9 or equal to 10 microns in size.

10 “(B) POTENTIAL TO EMIT.—

11 “(i) IN GENERAL.—The term ‘poten-  
12 tial to emit’ means the potential of a facil-  
13 ity to emit during a 1-year period under  
14 maximum realistic operation of the facility.

15 “(ii) MAXIMUM REALISTIC OPER-  
16 ATION.—In determining the maximum re-  
17 alistic operation of an agriculture-related  
18 facility, the Administrator shall consider—

19 “(I) the cyclical or seasonal na-  
20 ture of the facility; and

21 “(II) in the case of a facility in  
22 operation on the date of the deter-  
23 mination, the maximum hours of op-  
24 eration of the facility that actually oc-

1                   curred during any of the preceding 5  
2                   years.

3                   “(iii) EQUIPMENT, TECHNIQUES, AND  
4                   PROCEDURES.—The Administrator shall  
5                   consider the effect of control equipment,  
6                   techniques, and procedures in lowering the  
7                   potential to emit of an agriculture-related  
8                   facility.”.

9   **SEC. 2. EXEMPTION FROM PERMITTING REQUIREMENTS.**

10       Section 502 of the Clean Air Act (42 U.S.C. 7661a)  
11   is amended—

12               (1) in the first sentence of subsection (a), by  
13       striking “any other source (including an area  
14       source) subject to standards or regulations under  
15       section 111 or 112,”; and

16               (2) by adding at the end the following:

17       “(j) EXEMPTION.—A source shall not be subject to  
18       any regulation or requirement under this section if the  
19       source is—

20               “(1) not a major source; and

21               “(2) subject to section 111 or 112.”.

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